

Information Disclosure Statements Filed in 2006

In the PTO-1449 Form returned to Applicants in conjunction with the Office Action, the Examiner indicated that she did not consider the following because they did not have a date:

- (i) Laboratoires Fournier undated document entitled "Fenofibrate Tablets 54-160 mg Dissolution Test Conditions Development Studies, Dissolution Test Specification Recommendations" (Filed May 8, 2006)
- (ii) Laboratoires Fournier's Lab Notebook Nos. 1 and 2 attached to the Bloquin Declaration. (Filed May 8, 2006)
- (iii) Laboratoires S.M.B. S.A. Report pages 1-4 (Filed June 19, 2006).

Applicants respectfully submit that the rules regarding the submission of materials to the PTO under 35 U.S.C., 37 C.F.R. and the MPEP do not require that the document have a date in order to be considered by the PTO. Applicants respectfully request that the Examiner consider these references or provide evidence from the USC, CFR or MPEP that undated documents must not be considered by the PTO.

Additionally, the Examiner has considered the identical references in issued parent patents and related co-pending applications. It is unclear why the Examiner has considered these references in some applications and not in this application.

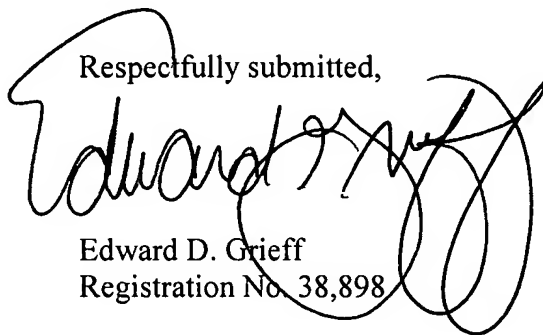
For the Examiner's convenience, Applicants are attaching hereto a PTO-1449 Form identifying these references so that they can be considered. Applicants respectfully request that the Examiner-initialed PTO-1449 Form be returned with the next PTO communication.

Summary

Applicants respectfully request consideration of all references/materials cited in the Information Disclosure Statement.

An early and favorable reconsideration and allowance of claims 1-45 is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Edward D. Grief", is written over a circular registration mark.

Edward D. Grief
Registration No. 38,898

Date: January 26, 2007

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Substitute for form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

Application Number	10/665,518
Filing Date	September 22, 2003
First Named Inventor	Stamm
Art Unit	1615
Examiner Name	Sheikh
Attorney Docket Number	224620

Sheet	1	of	1
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NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		Laboratoires Fournier undated document entitled "Fenofibrate Tablets 54-160 mg Dissolution Test Conditions Development Studies, Dissolution Test Specification Recommendations"	
		Laboratoires Fournier's Lab Notebook No. 1 attached to the Bloquin Declaration.	✓
		Laboratoires Fournier's Lab Notebook No. 2 attached to the Bloquin Declaration.	✓
		Laboratoires S.M.B. S.A Report, pages 1-4.	

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.